



LAND GRANT IS BASIS OF SUIT

Southern Pacific to be Forced to Sell Lands for Development of the State.

NOT TO GET MORE THAN \$2.50

Test Case Comes up After Thirty Years of "Hogging" by a Railroad Which Has Blocked Development of State for Many Years.

PORTLAND, Sept. 16.—To force the railroads to live up to the terms of their land grant, which is to sell land to actual settlers at not more than \$2.50 an acre, John L. Snyder has filed suit against the Oregon & California Railroad Company, the Union Trust Company and S. T. Gage, N. T. Smith and W. E. Brown, trustees. The suit was filed in the Federal Court this morning by Attorney A. W. Laferty, who has already succeeded in securing service on the railroad people, and the latter will have to make their appearance the first Monday in October. The case will practically be decided on pleadings. Snyder is a settler residing in Columbia county.

The far-reaching influence and effect on the railroad company's holdings are apparent, if Snyder wins, for it will determine a question which is and has been for the last eight months one of the most important in the community, and one which, if Snyder is successful, will do more to develop the state than anything else of recent years.

The company received nearly six million acres. It has already sold nearly half that amount. When the company received the bulk of the patents, about ten years ago, it immediately disposed of thousands of acres of the choicest lands to the Booth-Kelly Lumber Company, A. C. Hopkins, A. B. Hammond, Hammond & Winton, the Curtis Lumber Company and others. From sales heretofore made the company has already received an amount equal to \$2.50 an acre for the entire grants, as well as all taxes paid. It has received already more money than Congress intended should be donated to it. There remain unsold about three million acres of these lands, and if Snyder wins his suit, the company will at least have to comply with the law as to the remaining lands.

The company now claims the absolute fee-simple title to these remaining lands. Mr. Harriman says his company will hold them for the use of his roads for ties. But he says they will sell their agricultural lands to settlers. They do offer to sell non-timbered lands to settlers, or to anyone else, but only for the market price. They offer no lands for \$2.50 per acre unless that is all they are worth on the market, and they have never offered an acre of land at any time except at its full market value. They have never offered at any time to comply with the law, either in part or in whole, and they do not offer now to comply with the law in whole or in part. Mr. Harriman's statement was simply intended to fool the public. Moreover, there are only two classes of lands recognized by the government, to wit, agricultural lands and mineral lands. All of these granted lands are agricultural lands and mineral lands. All of these granted lands are agricultural, because mineral lands were excepted from the grants.

BLACK HAND VICTIM.

Believed Murdered Man Was Victim of Sicilian Vendetta.

DENVER, Colo., Sept. 16.—Believed to be the victim of the Black Hand or of a Sicilian vendetta, Gerardo Carnivall, a market gardener, was shot through the head and killed early today, while returning to his truck farm in the outskirts of the city, from the Italian quarter, where he spent Sunday. Five shots were heard by residents in the neighborhood where the crime was committed, and it is believed that Carnivall was attacked by at least two men. Giacomo Lettito, who was arrested in the vicinity, admitted that he shot Carnivall, but claimed that he shot in self-defense, after being attacked by Carnivall and a companion.

BEAUTY WINS POLICE.

California Woman Robbed of Her Watch in Chicago.

CHICAGO, Sept. 16.—Mrs. Vivi Kemker, former artist's model and "belle of the Golden West," related a story to Captain P. N. O'Brien today, at detective headquarters which caused that astute thief taker to send a score of his best men in search of a mysterious and fashionably attired criminal.

The appearance of Mrs. Kemker at the detective office caused a sensation. Her beauty occasioned more comment than her story of the loss of a diamond-studded watch valued at \$500.

The victim of the thief is on a visit from California to the home of Dr. O. Bude, 324 Thirty-first street. Having occasion to send a telegram, she called at the office of the Postal Telegraph Company, where she was compelled to wait several minutes, as the clerks were busy. During that time she was approached by a fashionably dressed man. She ignored him. The next instant he grabbed her watch and ran. She started in pursuit, but her assailant was soon lost in the crowd.

RUSSIA PLANS BIG FIGHTERS.

ST. PETERSBURG, Sept. 16.—The Admiralty is examining plans and estimates for four new battleships, the displacement of each of which will be 21,000 tons.

The dimensions of the British battleship Dreadnaught are: 17,900 tons displacement. The Bellerophon, the largest battleship in the British navy and in the world, has a displacement of 18,000 tons.

METHODISTS TO MERGE.

LONDON, Sept. 16.—The Methodist's new connection, the United Free Churches and the Bible Christian Methodist Church, will be formally merged into one organization under the name of the United Methodist Church.

ENGINEERS STRIKE

Is Favored by Majority on Missouri Pacific Road.

WOULD SPREAD OVER COUNTRY

Tie-up of Many Big Lines in Prospect if Terms Are Not Made and Traffic Will Receive Biggest Jolt in Many Years.

KANSAS CITY, Sept. 16.—The Star says today that the Brotherhood of Engineers in Kansas City assert as result of a vote recently taken 67 per cent of the membership of the Missouri Pacific favor a strike because of the company's refusal to make certain concessions involving round housing of engines at end of the run. It is said a strike of engineers on the Missouri Pacific would involve engineers on all the Gould lines, including the Iron Mountain, Denver & Rio Grande, Wabash, Texas and Pacific, and International and Great Northern. Representatives of the firemen were in Kansas City yesterday canvassing the situation with a view to joining with the engineers in the proposed strike.

A conference of the engineers' order and the railway officials will be held in St. Louis this week.

SYNDICATE DISSOLVES.

Was Organized to Underwrite Union Pacific Bonds.

NEW YORK, Sept. 16.—The Union Pacific syndicate, which was organized to underwrite \$75,000,000 convertible bonds was dissolved today and the unsold bonds, which amounted to about \$70,000,000, were distributed to the syndicate participants. The syndicate underwrote this large issue of bonds at 90 cents the same price at which they were offered to stockholders, less the commission. The stockholders took up about four per cent of the total issue and the syndicate managers sold two per cent of the total issue and the syndicate managers sold two per cent of these bonds. The bonds were quoted at 89 cents today.

CITY MAP IS A BIG NECESSITY

Portland Engineer Finds Property and Streets Overlapping on Charts.

LAW IS NOT FULLY OBSERVED

Pretty Conditions of Affairs is Made Known at Big Meeting of Chamber of Commerce—Elmore Wants Range Lights in Astoria Harbor.

From developments at the Chamber of Commerce meeting last night, which was largely attended, there are prospects that considerable trouble will be experienced in getting an accurate map drawn of the lots and streets in Astoria. In response to efforts made by the Columbia Trust Company to have Civil Engineer W. S. Fortiner, of Portland, make a map of the city, he has sent the following reply, which was read to the Chamber of Commerce last night by Manager Whyte:

"Gentlemen: After spending much time and effort in an attempt to construct the Astoria map from the plats of additions thereto, supplied by you (meaning the Columbia Trust Co.), I am convinced that it is not possible to do so without the performance of a considerable amount of field work to determine the exact conditions on the ground; leaving the reconciliation of the ascertained differences between the various plats to the owners and others interested.

"A careful examination of a large number of the plats furnished by you, discloses a very evident disregard on the part of one, of work previously performed, so that in many cases there appear to be 'overlaps' in others the descriptions of the boundaries are so vague and indefinite, nothing in the way of accurately platting them on the map can be done.

"As my agreement with you contemplated constructing an accurate map, that would represent actual conditions, and as the information at present available does not render it possible to do this and I am advised that you are unable to supply anything more reliable, I do not regard it wise to proceed further in the matter until reliable data, is available from which to construct a map that could be depended upon as being reasonably correct.

"I have the notes of the United States engineer's triangulation of Astoria district, and with them laid down foundations for the map. In the course of this work they located the actual position of many points in the city between Fort Stevens and Tongue Point, and it is through this means that the numerous discrepancies are revealed. The position of all these points noted in sur-

vey of Corps of Engineers was determined by triangulation, the angles being repeated several times, so that the positions given are ABSOLUTE, and it follows that when a point shown on the plats falls somewhere else than where determined by this system of triangulation, THE PLAT IS NOT CORRECT.

In view of the fact that this triangulation has been done by the United States government, it renders it much simpler and a less expensive matter now to straighten out the discrepancies in platting, and I should think the city and commercial organizations would be glad to co-operate in this work. The town is becoming too big, property too valuable and the making of correct conveyances a matter of too great importance, to permit longer the existence of such a condition. As street improvements are undertaken it will be found to be absolutely essential for the city to possess positive information as to the exact location of its streets, and, this would not appear possible at this time.

"I shall be pleased to extend any assistance in clearing this matter up, though my judgment would be that it is properly a city charge, inasmuch as no doubt very little of the land originally platted by the owner remains in their hands, but has been distributed among a large number of individual lot owners.

"WALTER S. FORTINER."

When this significant letter was read, amid a somewhat astounded silence, Judge Bowby was asked by Manager Whyte to give his legal opinion on what should be done. He asserted that while the letter was considerably overdrawn, there was no doubt that there were a number of discrepancies, in which streets had become perverted from their original survey, and that improvements had even been made upon these legally crooked streets.

He cited a number of instances where this was the case, and left the impression that some peculiar surveying had been done in the city of Astoria. He believed that the chief cause of the trouble was that conveyances had been made without consulting the city attorney, and that one error had followed another until the original survey had settled into insignificance for the time being. The securing of advice of an attorney before going ahead with surveys, he thought, would have eliminated these errors.

It is certain, he said, that some of the dividing lines could only be settled by the agreement of the owners, while others could be settled by the courts. The result of his observations made it clear that disregarding of the city laws had more to do with the discrepancies than any other thing. President Clark of the Columbia Trust Company was asked to take the matter up with the Portland engineer, who claims that the cost of finding the true lines of the streets and plats will amount to from two to three thousand dollars.

Samuel Elmore was present at the meeting, and after a preliminary talk by Manager Whyte, talked on the placing of range finding lights from the bar into the harbor in order that vessels and steamers could enter the port at night without running into the jetties or Sand Island, as they are liable to do at present if they try to come in during darkness.

"The Columbia harbor," he said, "is

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HINDUS RACE TO BORDER LINE

Four Hundred Rush Back to Sheltering Arms of John Bull in Canada.

BUILD HOMES IN VANCOUVER

Jap Ambassador Interviews Foreign Secretary in London and is Satisfied With Steps Taken to Chastise Balty Canucks Who Dislike Local Color.

OTTAWA, Sept. 16.—Mounted police along the boundary line between British Columbia and the United States have reported that 400 of the Hindus, who were driven out of Bellingham, are making their way into Canada in small parties. The rest numbering from 30 to 40 are making their way toward Seattle. This information is contained in a dispatch to the trade and commercial department from Vancouver.

Hon. Frank Oliver, Minister of Interior, has received a telegram from U. S. Munroe, health officer, at Vancouver, stating that 900 Hindus who arrived by the Mont Eagle, there are 25 sick men who will be reported. None of them are destitute but have about \$25,000 in the party. At present they are living in tents, but express their intention of building houses.

LONDON, Sept. 16.—Baron Komura, Japanese ambassador to Great Britain, called upon Sir Edward Grey at the foreign office this afternoon and discussed the Vancouver affair. The ambassador took with him several long dispatches which he had received from the Japanese consuls at Vancouver and Ottawa and it is understood he informed the foreign secretary that Japan had the greatest confidence that the Canadians will punish those responsible for the attack upon the Japanese and were satisfied with the steps already taken.

BATTLESHIP A PIRATE.

Wreck is Towed Away and Think Man-of-War Did it.

NEWPORT, N. Y., Sept. 16.—"Has 'Fighting' Bob Evans turned pirate?" Newporters are asking each other this question as a result of the disappearance on Wednesday night of the wreck of the big two-masted schooner Henry M. Whitney, which has lain buried in the mud in the south part of the harbor for more than four years.

Coal-laden, the Whitney was driven ashore one night after having sprung a leak. She was emptied and then abandoned. For four years she lay there, a picturesque relic of her former greatness, and suddenly in the dark of Sunday night a vessel whose gleaming whiteness shone out in the gloom, stole into the harbor, made fast to the wreck and dragged it out to sea. A hole in the mud was all that greeted the fisher folk when they viewed the harbor next morning.

Those who saw the white ship come in declare that she resembled in every particular a man-of-war. Now Admiral Evans' warships are not far away from Newport, engaged in target practice, and no better target could be found for the boys behind the guns than the wreck of the Henry M. Whitney.

AGAINST POLYGAMY.

ALBION, Mich., Sept. 16.—At the Michigan conference of the Methodist Church today the delegates adopted a resolution asking Michigan Senators to introduce in Congress a constitutional amendment to prohibit polygamy. It was adopted without debate.

OCEANO'S BUNKERS ON FIRE.

SAN FRANCISCO, Sept. 16.—The Merchants Exchange has received a dispatch from Newcastle, Australia, stating that the steamer Oceano from Comox, B. C., arrived with one of her bunkers on fire.

PRIZE CLOVER IN CROOK.

BEND, Or., Sept. 16.—A prize field of clover is on the Redmond place, adjoining Redmond. This clover has been cut once and now stands waist high. Mr. Redmond estimates that he will get 41 tons per acre from the two cuttings.

COSTS BIG SUM.

Eighty-Four Million Already Spent on Panama Canal.

WASHINGTON, Sept. 16.—The Panama Canal cost America \$84,440,000 up to December 31, 1906, according to a statement of the audited expenditures made as of that date and just published.

The bulk of this expenditure was the \$50,000,000 paid to the French company and the Panama government for the canal property, right of way and franchises, and \$3,449,033 went for material and supplies.

For the general administration there was expended \$1,124,200, government and sanitation, \$4,381,059, and construction and engineering, \$9,729,554. Other expenses include \$1,385,582 for rolling stock, machinery, second main track, buildings, waterworks, etc.

Exclusive of the contract for laborers, brought to the Isthmus of Panama at the expense of the canal commission during the fiscal year ended June 30, last, the number of immigrants arriving at Colon, to which point comes practically all the laborers for the canal, was an excess of 7134 over the emigrants to the Pacific terminal.

The number of passengers who left there during the fiscal year was 1313 less than the number who entered.

From the total force of canal employees on the roll in July, 1906, the death rate was 64 per thousand, as against 35 per thousand in 1907.

BOILERMAKERS STRIKE.

Men on Two Railroads in Spokane Quit Work.

SPOKANE, Sept. 16.—Nine boilermakers in the employ of the Northern Pacific shops here received word from St. Paul on Sunday to strike. They walked out at once, leaving the foreman and one helper to do all the work of the division. The Great Northern boilermakers at Hilliard also received word to quit and this morning the entire force, consisting of 17 men, failed to go to work.

ROGERS VERY ILL

Declares He is "About Done for" According to Son.

JUDGE REFUSES TO USE FORCE

Oil King's Aid in a Weak Condition, With Face Distorted, Speech Affected and Shaking of His Mortal Coil—Not to be at Court.

BOSTON, Sept. 16.—That H. H. Rogers is in a very weak condition, that his face is distorted and his speech is affected so that his left side is not in a normal state and that he is unable to transact any business or even discuss ordinary affairs, was the substance of testimony given by Rogers' son-in-law, Urban K. Broughton, in the supreme court this afternoon.

H. H. Rogers, Jr., testified that his father has signed but three checks and a power of attorney to open the vault since July 22. His condition, Rogers says, has shown slight improvement in the past few weeks. Broughton testified that recently Rogers, senior, had told him to take up the business where he had left it, as he, Rogers Sr., was "about done." After hearing the testimony, Judge Hammond denied the motion to bring H. H. Rogers into court for the purpose of showing he is capable of testifying.

FORD'S JURY SECURED.

SAN FRANCISCO, Sept. 16.—Three jurors were secured provisionally this morning for the trial of Chief Counsel Tirney L. Ford, of the United Railroads, charged with bribery. The talesmen were examined for the people by District Attorney Langdon and for the defense by Attorney Earl Rogers. The passing of three jurors this morning filled the box, five jurors having been finally accepted and four temporarily passed last week. Following a conference with counsel, Judge Lawler announced that hereafter the morning session of the trial will be held from 9:30 to 12:30 o'clock and afternoon sessions from 2 to 5. There will be no night session.



Yellow Jack—I knew if Uncle Sam would leave it to that fellow to keep me out, I'd get back all O. K. The United States is disposed to blame Cuba for extreme neglect in allowing the present outbreak of yellow fever there.—News Item.